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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,242	04/29/2005	Maurice Bailey	60351.00003	3120

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EXAMINER	
SENSENIG, SHAUN D	

ART UNIT	PAPER NUMBER
3629	

MAIL DATE	DELIVERY MODE
04/10/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/533,242	BAILEY ET AL.	
	Examiner	Art Unit	
	Shaun Sensenig	3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *68-87* is/are pending in the application.

4a) Of the above claim(s) *none* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *68-87* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *29 April 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *20050429*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. **Claims 77-85** are rejected under 35 U.S.C. 101 based on Supreme Court precedent, and recent Federal Circuit decisions, the Office's guidance to examiners is that a § 101 process must entail the use of a specific machine or transformation of an article which must impose meaningful limits on the claim's scope to impart patent-eligibility. *See* Gottschalk v. Benson, 409 U.S. 63, 71-72 (1972). Second, the involvement of the machine or transformation in the claimed process must not merely be insignificant extra-solution activity. *See* Parker v. Flook, 437 U.S. 584, 590 (1978). The "database", as presented in claim 1, performs the insignificant extra-solution activity of storing without performing any processing activities. Moreover, while the claimed process contains physical steps (storing, associating, displaying), it does not involve transforming an article into a different state or thing. Therefore, Applicants' claim is not drawn to patent-eligible subject matter under § 101.

Claim Rejections - 35 USC § 112, First Paragraph

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. **Claims 68-87** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The "database" (Claim 68, line 2; Claim 77, line 2; Claim 86, line 2; and Claim 87, line 3) is not described in the specification.

5. **Claims 76 and 85** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification does not contain material describing or explaining how "a device" is incorporated within or identified by "the object data". The object data is claimed to be associated with vehicle data and displayed, but it is not clear how that relates to the device on which it is displayed. It is not clear as to whether the device is associated with the vehicle to which the vehicle information pertains. In view of information in the specification (such as Page 4, lines17-18; Page 7, lines28-33; etc.), it appears that any device that is capable of receiving an alert is sufficient and will be treated as such for further consideration of the merits.

Claim Rejections - 35 USC § 112, Second Paragraph

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. **Claims 68-87** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 68, line 5 recites the limitation "...at least a subset of the vehicle data...", and also recites the limitation, in line 6, "...at least a subset of the object data..." (also appears in Claim 77, lines 4-5; Claim 86, lines 4-5; and Claim 87, lines 5-6). It is unclear as to the intended bounds of the claim, since there are two minimal requirements in the claim. For further consideration of the merits, it will be assumed that one subset *or* the other is sufficient as a minimal requirement.

8. **Claims 70 and 79** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 70 and 79 recites the limitation "the object" in line 1. There is insufficient antecedent basis for this limitation in the claim.

9. **Claims 76 and 85** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It ism unclear as to how "a device" is incorporated within or identified by "the object data". The object data is claimed to be associated with vehicle data and displayed, but it is not clear how that relates to the device on which it is displayed. It is not clear as to whether the device is associated with the vehicle to which the vehicle information pertains. In view of information in the specification (such as Page 4, lines17-18; Page 7, lines28-33; etc.), it appears that any device that is capable of receiving an alert is sufficient and will be treated as such for further consideration of the merits

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. **Claims 68-70, 72, 73, 75, 76-79, 81, 82, and 84-87 are rejected under 35 U.S.C. 102(b) as being anticipated by DeLorme et al. (Patent Number 5,948,040) (hereafter referred to as DeLorme).**

12. In regards to **Claims 68, 77, 86, and 87**, DeLorme discloses:

A method and system, comprising:

a database capable of storing vehicle data; (Column 8, lines 23-30, *shows a database that is capable of storing vehicle data*)

a processor capable of storing object data in the database; (Fig, 1A and 907, *shows a processor capable of storing object data in a database*)

a manager capable of associating the object data with the vehicle data; (Column 8, lines 23-30, *shows a manager that is capable of associating data*) and

a map generator capable of displaying a map with at least a subset of the vehicle data and at least a subset of the object data superimposed onto the map. (Fig. 5D, *shows the capability to display a map along with data of displaying*)

13. In regards to **Claims 69 and 78**, DeLorme discloses:

A method and system, wherein the vehicle data includes position, speed and direction of travel of the vehicle. (Column 10, lines 40-42)

14. In regards to **Claims 70 and 79**, DeLorme discloses:

A method and system, wherein the object includes a person. (157 and Column 23, lines 30-35)

15. In regards to **Claims 72 and 81**, DeLorme discloses:

A method and system, wherein the map generator is further capable of redisplaying the map with the superimposed vehicle and object data based on a change in the vehicle or object data. (Column 14, lines 26-27)

16. In regards to **Claims 73 and 82**, DeLorme discloses:

A method and system, wherein the processor is further capable of parsing a travel itinerary into the object data. (Column 75, line 7)

17. In regards to **Claims 75 and 84**, DeLorme discloses:

A method and system, wherein the manager is further capable of generating an alert when an event occurs that interferes with an estimated arrival time of the vehicle. (Column 29, lines 59-61)

18. In regards to **Claims 76 and 85**, DeLorme discloses:

A method and system, wherein the manager transmits the alert to a device listed in the object data. (Fig 9B and Column 29, lines 59-61)

Claim Rejections - 35 USC § 103

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

20. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

21. **Claims 71 and 80 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeLorme.**

22. In regards to **Claims 71 and 80**, DeLorme discloses all of the above limitations. DeLorme does not explicitly disclose displaying data together with other associated data however it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have included the displaying of data together with other associated data in order to increase usefulness and convenience for the user by including all related and pertinent data (Column 1, lines 40-43), since doing so could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

23. **Claims 74 and 83 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeLorme in view of Davis et al. (Patent No. US 6,353,794 B1) (hereafter referred to as Davis).**

24. In regards to **Claims 74 and 83**, DeLorme discloses all of the above limitation. DeLorme does not explicitly disclose displaying weather on a map, however Davis teaches:

A method and system, wherein the map generator is further capable of displaying weather on the generated map. (Column 6, lines 20-25)

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the system of DeLorme so as to have included displaying weather on a map taught by Davis in order to increase usefulness and convenience for the user by including additional pertinent data (DeLorme, Column 1, lines 40-43), since doing so could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shaun Sensenig whose telephone number is (571) 270-5393. The examiner can normally be reached on Monday to Thursday 7:30 to 5:00 ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571)272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. S./
Examiner, Art Unit 3629

/Jamisue A. Plucinski/
Primary Examiner, Art Unit 3629

April 5, 2009